

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROBERT D. VILLARREAL,  
Petitioner,

No. C 13-00416 WHA

v.

FRANK X. CHAVEZ, Warden,  
Respondent.

**ORDER GRANTING REQUEST  
TO HOLD *HABEAS CORPUS*  
PETITION IN ABEYANCE**


Petitioner Robert D. Villarreal requests that this Court hold his pending habeas corpus petition in abeyance while he pursues re-sentencing under newly-enacted California law. Petitioner filed a declaration stating that respondent does not oppose the request. A response to the request was due by May 7, 2013, and none was received.

In November 2012, California Penal Code Section 1170.126 became law, permitting prisoners like petitioner to seek re-sentencing. Petitioner has a hearing on his re-sentencing request set for July 2013. Good cause exists here to hold the present petition in abeyance because petitioner has diligently pursued his state claim for re-sentencing. Based on the particular circumstances herein and the short time until petitioner's hearing, petitioner's request is **GRANTED**. The habeas corpus petition will be held in abeyance until **AUGUST 26, 2013**.

1 By August 26, petitioner must file a case management statement updating the court on  
2 the status of his re-sentencing. To the extent that petitioner seeks any further stay, he must file a  
3 proper motion, supported by legal authority and on an adequate factual basis.

4  
5 **IT IS SO ORDERED.**

6  
7 Dated: May 17, 2013.

8   
9 \_\_\_\_\_  
10 WILLIAM ALSUP  
11 UNITED STATES DISTRICT JUDGE  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28